

**EEOC vs. NEA-ALASKA
Deposition of Larry Diebold****May 29, 2002****"We'll cover your job ANYWHERE in the country!"**

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1 EQUAL EMPLOYMENT * IN THE
2 OPPORTUNITY COMMISSION, * UNITED STATES
3 Plaintiff, * DISTRICT COURT
4 vs. * FOR THE
5 NATIONAL EDUCATION * DISTRICT OF ALASKA
6 ASSOCIATION-ALASKA, * CASE NO.: USDC Alaska
7 Defendant. * A01-022SCV
8 * * * * *
9 DEPOSITION OF:
10 LARRY DIEBOLD,
11 was taken on Wednesday, May 29, 2002, commencing
12 at 1:00 p.m., at the Executive Center, 2217
13 Princess Anne Street, 2nd Floor, Fredericksburg,
14 Virginia, before Sherry W. Dudley, Notary Public.
15 * * * * *
16
17 COURT REPORTERS, ETCetera, INC.
18 Maryland Washington
19 (410) 653-1115 (202) 628-DEPO
20 "We'll cover your job ANYWHERE in the country!"
21 1-800-947-DEPO

1 I-N-D-E-X
2 Deposition of Larry Diebold
3 May 29, 2002
4
5 EXAMINATION BY: PAGE:
6 Mr. Venneberg 4
7 Ms. Flores 113
8 Mr. Venneberg 131
9 Ms. Longenbaugh 133
10 Mr. Venneberg 134
11
12 EXHIBITS: PAGE:
13 29 September 27, 1996 Memo 63
14 30 2/29/98 E-mail 91
15 31 Series of E-mail Messages 97
16 32 2/27/98 E-mail 102
17 33 8/26/98 E-mail 103
18 34 9/27/98 E-mail 105
19
20
21 (Exhibits included with transcript.)

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1 APPEARANCES:
2
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22 On behalf of the DEFENDANT:
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30 On behalf of the WITNESS:
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32 NATIONAL EDUCATION ASSOCIATION
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34 Washington, D.C. 20036
35 (202) 822-7035

1 P-R-O-C-E-E-D-I-N-G-S
2 WHEREUPON --
3 LARRY DIEBOLD,
4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:
7 EXAMINATION
8 BY MR. VENNEBERG:
9 Q. Mr. Diebold, my name is Terry
10 Venneberg, and I represent Carol Christopher,
11 Julie Bhend and Carmela Chamara in a case that
12 has been filed by the EEOC against NEA-Alaska in
13 which we are here this afternoon for your
14 deposition in that case.
15 First, I'll ask you whether you have
16 ever been deposed before.
17 A. I have never -- I've been in
18 depositions, but I've never been deposed before.
19 Q. Have you had an opportunity to talk
20 with Mr. Joseph about what a deposition is?
21 A. Well, I'm familiar with what they are,

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1 A. I don't recall specifically, but I'm
 2 reasonably sure that I kept him informed. But I
 3 don't recall when I met or what was said.

4 Q. So you don't recall -- was that
 5 something that you feel that you would have been
 6 required to do, to report back to him that there
 7 was a situation?

8 A. No. I mean, common sense would
 9 require it, but I was not under any kind of a
 10 written mandate.

11 Q. What is the purpose of the guidelines
 12 in this USEDP program?

13 MS. LONGENBAUGH: Objection.

14 A. My recollection of the guidelines is
 15 it just sets forth the definition of what the
 16 program was in terms of what states were eligible
 17 or how states were eligible under the formula for
 18 paying the 70/30 split and the 80/20 split. You
 19 know, just general stuff.

20 I don't recall specifically how long
 21 it was or what the sections were. It was just a

1 ask to see any.

2 Q. And when the situation came up with
 3 the contract and Mr. Harvey in Mississippi, why
 4 didn't the regional director -- why wasn't he
 5 involved? Wouldn't that have been Mr. Okino --

6 MS. LONGENBAUGH: Objection.

7 A. In Mississippi?

8 Q. Right.

9 A. No, it would not have been. It would
 10 have been Mr. Dryer, and, you know, my
 11 recollection is that we did -- Dryer was aware of
 12 what was going on, and there was some discussion
 13 with him. He wasn't out of the loop, so to
 14 speak.

15 Q. Do you remember if he was president
 16 when you met with the board?

17 A. I don't think he was. I don't recall
 18 that he was.

19 Q. Okay. Now, prior to the Mississippi
 20 situation, had you met Mr. Harvey before or heard
 21 of him?

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1 very general thing, my recollection.

2 Q. Well, we do know from the contract so
 3 far that there are at least two sections, one on
 4 how to terminate a contract and one on
 5 evaluations?

6 MS. LONGENBAUGH: Objection.

7 A. I don't recall.

8 Q. Now, you don't recall that, but if
 9 there is a section on evaluations in the
 10 guidelines, is it surprising to you that you
 11 never saw any evaluations in all of the time that
 12 you were Director of this program?

13 A. No, it is not surprising at all.

14 Q. Who would have they gone to then?

15 A. I don't know, but I'm not surprised,
 16 because that was something that was left to the
 17 states as regards to what the guidelines said.

18 The assumption was the states would do
 19 evaluations or wouldn't do evaluations. It was
 20 left to the states. And so it's not surprising
 21 at all that I didn't see any, because I didn't

1 A. Oh, sure. I knew who he was.

2 Q. And how long previous to that did you
 3 know him or know of him?

4 MS. LONGENBAUGH: Objection.

5 A. I think I said earlier, I knew that he
 6 was the president of the state. Many years ago,
 7 I bumped into him, and I have really not had any
 8 contact with him with any of his employment with
 9 other states or wherever he worked in the
 10 meantime, before he came to Mississippi.

11 Q. Do you have any idea how long he was
 12 in the USEDP program, how many years?

13 A. My understanding is that he was only
 14 in the USEDP program from the time that he
 15 arrived in Mississippi until the agreements with
 16 Mississippi ran their course, so it was just that
 17 time that he was in the USEDP. I don't recall
 18 that he was in there beforehand.

19 Q. Okay. Did you ever become aware that
 20 there had been two previous EEOC charges naming
 21 Mr. Harvey arising out of the Baltimore office

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1 by --
 2 MS. LONGENBAUGH: Objection.
 3 MR. JOSEPH: Objection.
 4 Q. -- Jeffries?
 5 A. No, I have no knowledge of any
 6 charge -- I don't even know what these charges
 7 are.
 8 Q. What do you know about why you are
 9 here today?
 10 A. I do not know what has been charged
 11 against Mr. Harvey, and I don't care to know. I
 12 have no knowledge, other than EEOC is involved in
 13 this.
 14 I don't have any of the specifics, and
 15 I have no knowledge of anything that took place
 16 before.
 17 Q. Are you on medication today --
 18 A. No.
 19 Q. -- that would affect your memory?
 20 A. Not at all.
 21 Q. Okay. And how did you prepare for

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1 this deposition?
 2 A. Well, I really didn't prepare. I
 3 mean, I've been retired for over two years. This
 4 stuff took place several years before I retired.
 5 I am retired. When I left NEA, I left
 6 a lot of my memory there, and I haven't really
 7 cared to resurrect it.
 8 I'm trying to be helpful here, but I
 9 didn't do much to prepare for it. I'm doing the
 10 best that I can to remember, and that's about it.
 11 Q. Let me ask you, who provides -- or
 12 what sort of training does NEA provide to NEA
 13 employees with regard to any subject?
 14 A. I don't understand that.
 15 Q. Let me narrow it down. Does NEA
 16 provide EEO training to its employees concerning
 17 workplace discrimination?
 18 A. I'm not sure. I don't recall what the
 19 nature of the training is.
 20 Q. Okay. Do you know -- did you have any
 21 training in the years that you were there?

1 A. I don't recall any specific training
 2 on, as you put it, EEOC.
 3 Q. In the entire time that you were
 4 there?
 5 A. I don't recall any, no.
 6 Q. Do you know whether Tom Harvey or any
 7 other state executive directors under the USED
 8 program do any EEO training?
 9 A. I don't know whether they did or not.
 10 Q. Let me represent to you that we
 11 deposed Pat Orrange, the Director of Human
 12 Resources, in April, and she stated that she, as
 13 Director of Human Resources, is not responsible
 14 for EEO training for anyone under the USED
 15 program.
 16 It was her statement that she assumed
 17 that it was done by that department, that
 18 department took care of the USED individuals in
 19 regard to that training.
 20 MR. JOSEPH: Objection.
 21 MS. LONGENBAUGH: Objection.

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1 Q. Do you know anything about that
 2 training? Was that something that you were
 3 responsible for?
 4 A. I had no training responsibilities.
 5 Q. Do you know who did? Who had
 6 responsibility for training executive directors
 7 under the USED program for workplace
 8 discrimination?
 9 A. I don't know of anybody that had that
 10 responsibility. I don't know who had it.
 11 Q. Now, you stated earlier that NEA could
 12 approve or disapprove a candidate's admission
 13 into the USED program; correct?
 14 A. Yes.
 15 Q. And give me some examples of what
 16 would cause a candidate to be disapproved.
 17 A. I can't think of an example, because I
 18 don't have any recollection of any candidate that
 19 was refused, once the state had made the decision
 20 to hire them.
 21 So I flippantly used the example as if